

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA DIVISION**

KELLY CROSS,)	
)	
Plaintiff,)	
)	
vs.)	
)	No: 1:20-cv-00227-TRM-CHS
)	
HAMILTON COUNTY GOVERNMENT,)	
)	
Defendant.)	

JOINT MOTION FOR APPROVAL OF FLSA SETTLEMENT

Pursuant to Section 216(b) of the Fair Labor Standards Act (FLSA), the parties respectfully move the Court for an order approving a settlement of Plaintiff's FLSA claims. As explained below, the proposed settlement includes payment of 100% of Plaintiff's alleged overtime back; liquidated damages in an amount equal to her alleged overtime back; and statutory attorney's fees and costs.

Plaintiff was employed by Defendant as a deputy register in the vital records department. She was paid an hourly rate for her work, and her duties included reviewing and/or completing birth certificates, death certificates, cremation applications, and voluntary acknowledgements of paternity; answering the phone; and cleaning and ordering supplies. Plaintiff alleges that she performed uncompensated work "off the clock" before and after her scheduled work hours; that Defendant inaccurately recorded her work time by excluding compensable work hours, and failed to compensate her for that work; and that Defendant failed to pay Plaintiff for all of her recorded work time.

Based on a review of Plaintiff's time and pay records and Plaintiff's estimate of the

number of hours she alleges that she worked off the clock, Plaintiff and her counsel have calculated that Plaintiff is owed a total of \$4,911.44 in overtime back pay. Although Defendant disputes Plaintiff's claims, it has agreed to resolve Plaintiff's claims by paying the full amount of her alleged overtime back pay totaling \$4,911.44, plus an equal amount of liquidated damages totaling \$4,911.44. See, 29 U.S.C. § 216(b). In addition, Defendant will separately pay Plaintiff's statutory attorney's fees in the amount of \$8,250.00 and filing fees in the amount of \$425.00. Id. In return for these payments, Defendant will receive a dismissal of the lawsuit with prejudice, and Plaintiff has not agreed to any other terms or obligations. The parties have not entered into a separate written settlement agreement, and the terms of this settlement are entirely set forth in the present motion.

Accordingly, Plaintiff will receive the full benefits to which she alleges she is entitled pursuant to the FLSA. Id. A district court may approve a settlement after determining that it is fair and reasonable. See, e.g., Lynn's Food Stores, Inc. v. United States, 679 F. 2d 1350, 1353-54 (11th Cir. 1982). Because Plaintiff will receive full benefits, there is no question that the settlement is fair and reasonable. See, e.g., Hanks v. Racetrack Petroleum, Inc., 2011 WL 4408242, at *2 (M.D. Fla. Sept. 9, 2011) ("Full recompense is *per se* fair and reasonable.").

For the foregoing reasons, the parties respectfully move the Court for an order approving the proposed settlement, and have attached a proposed Order to this motion.

Respectfully submitted,

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of April, 2021, a true and correct copy of the foregoing was served via the Court's electronic filing system on Mary Neill Southerland and Sharon McMullan Milling, Hamilton County Attorney's Office, 625 Georgia Avenue, Suite 204, Chattanooga, TN, 37402.

/s/ R. Scott Jackson, Jr.
R. Scott Jackson, Jr